

**CITY OF JOHNS CREEK**  
**COUNCIL MEETING MINUTES**  
**November 8, 2010 @ 7:00pm**

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, November 8, 2010. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

**COUNCIL PRESENT:** Post 1-Randall Johnson  
Post 2-Dan McCabe  
Post 3-Karen Richardson  
Post 4-Ivan Figueroa  
Post 6-Bev Miller-**Absent**  
Mayor Mike Bodker

**STAFF PRESENT:** City Clerk, Joan Jones  
City Manager, John Kachmar  
City Attorney Bill Riley

**PLEDGE OF ALLEGIANCE:** Led Eagle Scout Yasavi Tadavarthi, Troop 3143.

**OPENING REMARKS:** Mayor Bodker welcomed everyone to the meeting and congratulated the Johns Creek Chamber of Commerce, Johns Creek Business Association, the Kiwanis and Rotary Club for recently hosting a very well attended joint business community networking event. The Mayor announced he attended the *Taste of PGA*, held by the Atlanta Athletic Club and invited citizens to consider volunteering and/or purchasing tickets for the August 2011 PGA Championship. He shared crafts and read a note of thanks received from a visit with third grade students from Abbotts Hill and Wilson Creek Elementary Schools and acknowledged members of the Johns Creek Police Department who were recognized at the Department's Annual Awards Banquet. The Mayor congratulated all the candidates who ran for the council seat, announced there will be run-off election on November 30<sup>th</sup> and in closing, noted the Atlanta Regional Commission (ARC) recently held an informal meeting with members of the Transportation Round Table to discuss the process for creating the final list of transportation projects when the Round Table meets in December and January.

Mayor Bodker and Council congratulated the Chattahoochee High School Football team on their first undefeated season and wished them luck as they head to the first round of the State Championship games.

**MINUTES:** Council Member Johnson motioned, seconded by Council Member McCabe to approve the October 25, 2010 Work Session Summary and Council Minutes as presented. There being no discussion, the motion carried unanimously.

**MEETING AGENDA APPROVED:** Council Member McCabe motioned, seconded by Council Member Richardson to amend the meeting agenda to add an EXECUTIVE SESSION to discuss two (2) legal and one land matter. There being no discussion, the motion passed unanimously and the amended agenda was approved

City Clerk Jones read Public Comment procedures.

**PUBLIC COMMENT:** Greg Ohmer addressed Council and said he objected to the proposed Solid Waste Ordinance (SWO), including the fee proposed, regulated bins and collection times;

David Kornbluh, commented there should be clarification on the frequency of collection of the SWO fee proposed; Royce Reinecke commented businesses should pay the bulk of proposed SWO fee as they contribute the most litter and convenience stores should pay additional fee on business license; Mark Endres commented he opposes the SWO, the levying of fees for collection, and regulating haulers which he says may lead to increased prices passed onto customers; Stephanie Endres commented the collection of SWO fees will benefit the city coffers and not the citizens, by increasing the cost of doing business in the city for haulers; Larry Pohl spoke in opposition to the SWO saying regulating the haulers will not decrease truck traffic, the fee is a hidden tax to the detriment of the citizens, and the residents have no issues with their current services; Major Thompson commented on the SWO and the unfunded mandate, requiring the city to have a solid waste management program and said the city should do the minimum required to meet the mandate that he is fine with the service he currently has; Sandeep Gupta commented any new fees would create a hardship for citizens and said he has no issues with his current trash hauler.

**CONSENT AGENDA:** Council Member Johnson motioned, seconded by Council Member Figueroa, to approve the Consent Agenda, which included, ***RESOLUTION 2010-11-58-*** Approve Proclamation Recognizing November as “FAMILY MONTH” in the City of Johns Creek; ***ACTION ITEM;*** Approve AT&T Agreement to Provide Voice and Data Circuits to the City of Johns Creek Approve; ***ACTION ITEM-*** Approve Privileged Resolution for Eagle Scout Yasavi Tadavarthi, Troop 3143; ***RESOLUTION 2010-11-59-*** Authorizing the execution of required documents associated with the use of the Master Lease for acquiring Police and Fire equipment and vehicles and approving other related actions. There being no discussion, the motion carried unanimously and the Consent Agenda was approved.

**ANNOUNCEMENTS:** City Clerk Jones announced the following meetings:

- *Tuesday, 11/9/10 10:00am —CVB*
- *Tuesday, 11/9/10 5:00pm —RPAC*
- *Thursday, November 11<sup>th</sup> - Veterans Day -City Offices Closed*
- *Tuesday, 11/16/10 @7:00pm —BZA Meeting*
- *November 25-26 Thanksgiving Holiday-City Offices Closed*
- *Monday, 11/29/10 @5:00pm—Work Session, @ 6:30pm-Holiday Tree /Dreidel Lighting and at 7:00pm-City Council Meeting*

**REPORTS & PRESENTATIONS:** Council Member Johnson presented the Proclamation recognizing “Family Month” to Lisa Potts, a Johns Creek resident serving as the Vice President for the Local School Advisory Council working on a drug and alcohol prevention program for local high schools.

Council Member Richardson read the following Privileged Resolution recognizing Eagle Scout Yasavi Tadavarthi, Troop 3143:

*The City of Johns Creek recognizes Yasavi Tadavarthi of Troop 3143 on successfully completing all the rank requirements for Eagle. Whereas Eagle Scout Tadavarthi has completed his Eagle Scout project, which entailed assembling four outdoor tables, installing new ground cover and pine straw behind the cafeteria of the North American Shirdi Sai Temple of Atlanta; and Whereas, by completing this project Eagle Scout Tadavarthi has created a pleasant outdoor environment for members to eat and gather; and Whereas the Eagle Scout Award is a distinction that will follow him throughout life, the Mayor and Council of the City of Johns Creek recognize and applaud Eagle Scout Yasavi Tadavarthi and wish him well in all his future endeavors.*

**OLD BUSINESS:** No Old Business.

**NEW BUSINESS:**

**CITY COUNCIL 2011 MEETING SCHEDULE:** This item was presented at the October 25<sup>th</sup> Work Session and Council and City Clerk Jones informed council the discussed changes have been incorporated. There were no additional questions or comments. Council Member McCabe motioned, seconded by Council Member Richardson to approve Ordinance 2010-11-22 adopting the 2011 Council Meeting Calendar. There being no further discussion, the motion carried unanimously. (***ORDINANCE 2010-11-22***)

**FULTON COUNTY SOIL AND WATER CONSERVATION DISTRICT AGREEMENT:** Seth Yurman, Land Development Manager presented to Council the Memorandum of Agreement between Fulton County Soil and Water Conservation District and the City of Johns Creek which will allow for an expedited review process for issuing Land Disturbance Permits. The Department has passed the required State reviews to enter into the agreement and has demonstrated sufficient technical knowledge as well as meeting the other requirements to review the land development plans in-house in lieu of sending out for state review. Council Member Johnson motioned, seconded by Council Member Figueroa to approve Resolution 2010-11-60 authorizing approval of the Memorandum of Agreement between Fulton County Soil and Water Conservation District and the City of Johns Creek. There being no further discussion, the motion carried unanimously. (***RESOLUTION 2010-11-60***) Community Development Director Mike Williams congratulated Mr. Yurman and his staff on their accomplishment in getting the state certification in just two years. Council commended staff for their work.

**CONTRACT SETTLEMENT LETTER WITH CH2M HILL:** As this item was discussed at tonight's Work Session, Council had no additional questions. Council Member McCabe motioned, seconded by Council Member Richardson to approve the Action Item approving the Contract Settlement Letter with CH2M Hill. There being no further discussion, the motion carried unanimously. (***ACTION ITEM***)

**EXTENSION OF MOU WITH CH2M HILL:** As this item was discussed at tonight's Work Session, Council had no additional questions. Council Member Richardson motioned, seconded by Council Member McCabe to approve the Action Item approving the extension of the Memorandum of Understanding with CH2M Hill until November 29, 2010. There being no further discussion, the motion carried unanimously. (***ACTION ITEM***)

**SOLID WASTE ORDINANCE:** Consultant Marie Garrett provided an overview of the State Management Act mandating adoption of a Solid Waste Management Plan, including a waste reduction plan. The City adopted its Solid Waste Plan in 2008 with a 10% waste stream reduction goal. Ms. Garrett reviewed key points in the proposed Solid Waste Ordinance, including, regulations enabling the city to accurately measure waste collection to determine if 10% reduction goal is being met, establishing uniform service delivery in the City, identifying haulers servicing the district and requiring pick-up of recycling. Attorney Scott Hastey presented two versions of the Ordinance before Council, with version #1 mandating the collection of an environmental fee and the 2<sup>nd</sup> version not requiring the fee.

Council reviewed the Ordinance, indicating there is no requirement to assign haulers, citizens will continue to choose and negotiate with their providers, discussion was held on any ramifications of not meeting state requirements, including losing local government status and ineligibility for certain grants and federal funds, benefits to regulating haulers, and recommended two minor language changes to the non-fee version presented by Attorney Hastey. Council discussed adopting the ordinance without the environmental fee and fund any mandated

programs out of the general fund at this time; they will re-visit the discussion during the next budget cycle. Council Member Johnson motioned, seconded by Council Member McCabe to approve version #2 of Ordinance 2010-09-16 adopting the Solid Waste Ordinance as amended. There being no further discussion, the motion carried unanimously. (***ORDINANCE 2010-19-16***)

**AMEND FEE SCHEDULE “B” TO INCLUDE AN ENVIRONMENTAL FEE:** Council Member Johnson motioned, seconded by Council Member McCabe to table Resolution 2010-09-16 amending Fee Schedule “B” to include and Environmental Fee. There being no further discussion, the motion carried unanimously. (***RESOLUTION 2010-09-46, TABLED***)

**OTHER BUSINESS:** City Attorney Riley requested amending the Meeting Agenda for the EXECUTIVE SESSION, to discuss two (2) Land and one (1) legal item. Council Member McCabe motioned, seconded by Council Member Richardson to amend the EXECUTIVE SESSION to discuss two (2) Land and one (1) Legal item. There being no discussion, the motion passed unanimously and the amended agenda was approved.

**PUBLIC COMMENT:** Mark Endres addressed Council saying he was unhappy with the approval of the Solid Waste Ordinance and a public hearing should have been held; Larry Pohl spoke against the approved Ordinance, saying he does not want the choice of his solid waste hauler regulated. He further commented the Ordinance will not reduce the trucks servicing the city nor reduce waste tonnage. Stephanie Endres read a statement opposing the approved Ordinance saying it will lead to increased costs; Royce Reinecke said he objected to the approval of the Ordinance, which he does not feel will lead to waste reduction, we need a place to take recyclables; David Kornbluh commented we have an Ordinance now, he looks forward to discussions and citizen input in the future.

**MAYOR’S COMMENT:** The Mayor commented on the difficult decisions Council is forced to make in the best interest of the citizenry and said he welcomes hearing from the citizens. Mayor also thanked staff for all their work.

**EXECUTIVE SESSION:** Council Member Johnson motioned, seconded by Council Member Richardson to adjourn to Executive Session to discuss two (2) land and one (1) legal item. There was no discussion and the motion carried unanimously.

Council Member Figueroa motioned to come out of Executive Session and resume Regular Session. Council Member Johnson seconded, the motion carried unanimously.

There being no further business, Council Member Figueroa made a motion to adjourn the meeting, Council Member Johnson seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

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Michael E. Bodker, Mayor

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Joan C. Jones, City Clerk